REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-5 and 25-31 are currently pending. Claims 1, 26 and 31 are independent. Claims 1-5 are hereby amended. Claims 6-24 are cancelled. Claims 25-31 are newly added. No new matter has been introduced. Support for this amendment is provided throughout the Specification as originally filed, specifically on pages 4, 5 and 14. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

II. REJECTIONS UNDER 35 U.S.C. §101

Claims 20, 21 and 23 were rejected because the claims were purportedly directed to non-statutory subject matter.

Claims 20, 21 and 23 are cancelled.

III. REJECTIONS UNDER 35 U.S.C. §102(b)

Claims 1, 2, 4-6, 8-10, 12-18 were rejected under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Patent No. 5,956,458 to Sezan et al (hereinafter, merely "Sezan").

claim 1 recites, *inter alia:*

> An audio and/or video generation apparatus which is arranged in operation to generate audio and/or video material representative of an audio and/or visual source, said audio and/or video generation apparatus comprising
>
> ....
>
> a metadata generation processor which is arranged in operation to receive said audio and/or video signals, and to generate metadata automatically in response to said audio and/or video signals, wherein said metadata includes time code data representative of in and out points of one or more parts of the audio/ video material, and said metadata includes a unique identification code for each of the parts of the audio and/or video material, each unique identification code uniquely identifying one of the parts of audio and/or video material.

As understood by Applicants, Sezan does not disclose the generation of metadata automatically. As indicated in Sezan, for example, in column 3 from line 29 to line 40, a representative frame of the video material is generated on the occurrence of a predetermined event. The predetermined event could be pressing the record button on the camcorder, the release of a pause button on the camcorder or beginning a special effects sequence on the tape. Thus there is no concept of automatic generation of metadata and in particular the automatic generation of a unique identification code associated with each part of the audio and/or video material. The identification code uniquely identifies that part of the audio and/or video material not only on the tape but also globally with respect to other parts of audio video material. In one example the unique identification code is a UMID (universal material identifier). By generating a unique identification code automatically other metadata may be associated with the part of the audio/video material by associating that metadata with the unique identification code. Thus archiving and editing of the audio video material is facilitated because that part of the audio video material can be uniquely referenced and accessed for further processing.

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Sezan in column 3 merely discloses that a reference mark may be placed in an

AUX sector, a VAUX sector, a sub-code or a track number reference location placed in memory

for example in a memory in cassette storage unit. However, providing a reference mark does

not correspond to a unique identification code. Furthermore, the unique identification code of

the present invention is provided in combination with in and out points for each part of the

audio/video material on the recording medium. Thus there are two levels of identification of the

parts of the audio/video material as claimed in the present invention, one which is associated

with the recording medium (in/out time code data) and one which is globally unique (unique

identification code).

Therefore, applicants respectfully submit that Sezan does not teach or suggest the

metadata generation processor of claim 1.

In response to the claim rejections Applicants are proposing to submit newly

amended claims 1-5 and newly added claim 25, all of which are directed to an audio and/or

video generation apparatus, and newly added claims 26 to 31 which are directed to a method of

or a computer program for generating audio and/or video material. Claim 1 now defines an

audio/video generation apparatus including a recording means for recording the audio and/or

video signals representing audio and/or video material on a recording medium and a metadata

generation processor. The metadata generation processor generates metadata automatically in

response to the audio and/or video signals. The metadata includes time code data representative

of the in and out points of one or more parts of the audio video material and the metadata also

provides a unique identification code for each of the parts of the audio and/or video material.

Support for this feature is provided at page 5, lines 13 to 17, page 4, lines 3-9, as

well as page 14 lines 19 to 26.

As indicated on page 9, lines 14 -29, there are two alternatives disclosed for storing the metadata. According to one embodiment the metadata generation processor automatically generates metadata, which is then recorded on a recording medium with the audio/video signals. In another alternative embodiment the metadata is stored in a data store with an identifier of the recording medium on which the audio/video signals are recorded. As will be appreciated, claims 2 and 3 are directed respectively to these embodiments.

Claim 26 is a method claim, which corresponds to apparatus claim 1.

Claim 31 is directed to a computer program product.

For reasons similar to those described above with regard to independent claim 1, independent claims 26 and 31 are also believed to be patentable.

IV REJECTIONS UNDER 35 U.S.C. §103(a)

Claims 3, 7, 11 and 19-24 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Sezan, in view of U.S. Patent No. 6,360,234 to Jain et al (hereinafter, merely "Jain").

As understood by Applicants, Jain does not disclose an arrangement for automatically generating metadata in response to audio and/or video signals. Whilst Jain merely discloses an arrangement for managing metadata within a C++ object orientated programming language which includes (column 7 line 24) the in time and out time of each metadata-clement, this does not correspond to the in and out time code points for each part of one or more parts of audio/video material on the recording medium. Furthermore, as recited in column 8 from line 33 of Jain, the user marks video clips and annotates them during metadata capture. It is clear that the metadata are not generated in Jain automatically by a metadata generation processor.

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Furthermore, there is no indication of the generation of a unique identification code for each of the one or more parts of the audio/video material, which is automatically generated at the point of capture. Therefore claim 3 is not taught or suggested by Jain alone or in combination with Sezan.

V. DEPENDENT CLAIMS

Dependent claims are dependent upon claims 1 and 26 respectively, and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

Furthermore, Claims 4 and 5 introduce respectively further limitations to claim 1, which is that the metadata generation processor includes an interface for receiving second metadata generated by a portable data processor. The second metadata is stored with the first metadata on either the recording medium or the separate data store respectively. Claim 25 corresponds to claim 5 of the claims as originally filed.

In addition, dependent claims 26-30 provide method claims, which correspond, to apparatus claims 2-5 and 25.
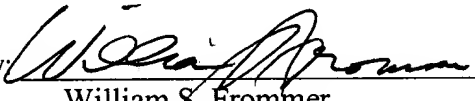
CONCLUSION

Claims 1-5 and 26-31 are in condition for allowance. In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference, or references, it is respectfully requested that the Examiner specifically indicate those portions of the reference, or references, providing the basis for a contrary view.

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In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,

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